

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

Civil Action No. 3:01CV00116

TERRY L. DOWDELL

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

Come now counsel for the defendant, and move the court for leave to withdraw, representing the truth of the following:

1. Frederick T. Heblich, Jr., began representing Terry L. Dowdell in February 2002 in this matter. In March 2002 Robert D. Luskin and Andrew R. Friedman of the firm of Patton Boggs, L.L.P., also began to represent Dowdell in this matter.

2. Counsel also represented Dowdell in the companion criminal case (Crim. No. 3:02CR00107) arising out of the same events. The criminal action was commenced by the filing of an information on December 19, 2002.

3. On July 21, 2004 Dowdell was sentenced to fifteen years in prison, and he is currently incarcerated at Beckley FCI.

4. Throughout the litigation of the civil and criminal cases, counsel were paid pursuant to court order from funds that had been frozen by the initial injunction and which were placed under the control of the Receiver, Roy M. Terry, Jr.

5. After Dowdell was sentenced to prison, he was determined by the court to be indigent. He appealed his conviction and sentence to the U.S. of Appeals for the Fourth Circuit (Record No. 04-4568). The appeals court appointed Mr. Hebllich pursuant to the Criminal Justice Act to represent Dowdell for the prosecution of the appeal.

6. By a judgment entered on December 16, 2005, the appeal was denied. A subsequent writ of certiorari to the U.S. Supreme Court was denied in June 2006, thus terminating the criminal case.

7. On September 18, 2006, Mr. Hebllich left private practice to take a position as Assistant Federal Public Defender in the Western District of Virginia.

8. Pursuant to 18 U.S.C. 3006A(g)(2) and the provisions of the Code of Conduct for Federal Public Defenders, Mr. Hebllich may no longer engage in the private practice of law.

9. Dowdell does not have the ability to pay Mr. Luskin and Mr. Friedman for legal services, and upon information belief both the Receiver and Securities and Exchange Commission would object to any request for the further payment of attorneys' fees on behalf of Dowdell.

10. Dowdell is not a participant in any of the matters still pending in this case, except, perhaps as a witness.

11. Neither Mr. Luskin nor Mr. Friedman has been actively involved in representing Dowdell since Dowdell was sentenced

in July 2004.

12. Neither Mr. Luskin nor Mr. Friedman is admitted to practice in Virginia, as they admitted *pro hac vice* on the motion of Mr. Hebllich for purposes of participating in this particular case.

WHEREFORE, counsel pray for leave to withdraw as counsel for Terry L. Dowdell in this action.

Respectfully submitted,

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Frederick T. Hebllich, Jr.

Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: counsel of record who are participants in CM/ECF system; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Roy M. Terry, Jr., DuretteBradshaw, PLC, 600 East Main Street, 20<sup>th</sup> floor, Richmond, VA 23219; Terry L. Dowdell 08853-084, FCI Beckley, P. O. Box 350, Beaver, WV 25813.

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